

## Article - Labor and Employment

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§3-905.

(a) The Commissioner shall investigate as necessary to determine compliance with this subtitle and regulations adopted under this subtitle.

(b) (1) Any written or oral complaint or statement made by a person as part of an investigation under this section is confidential and may not be disclosed without the consent of the person until the investigation is concluded and a citation is issued.

(2) Any written or oral statement made by an individual alleged to be employed by the respondent as part of an investigation under this section is confidential and may not be disclosed without the consent of the individual.

(c) The Commissioner may enter a place of business or work site to:

(1) observe work being performed;

(2) interview individuals on the work site, including those identified as employees and independent contractors; and

(3) review and copy records.

(d) (1) The Commissioner may require each employer to:

(i) subject to paragraph (2) of this subsection, identify and produce for copying or inspection all records relevant to the classification of each individual;

(ii) attest to the truthfulness of each record that is copied in accordance with subsection (c)(3) of this section or each copy of a record that is provided to the Commissioner under item (i) of this paragraph and to sign the copy; or

(iii) at the option of the employer, submit a written statement about the classification of each employee on the form provided by the Commissioner, with any relevant records attached.

(2) An employer may comply with a requirement to produce records under paragraph (1)(i) of this subsection by producing copies of the records.

(e) An employer that fails to produce records for copying or inspection or a written statement under subsection (d) of this section within 30 business days after the Commissioner's request, or an extension of time mutually agreed on by both parties, shall be subject to a fine not exceeding \$500 per day for each day the records are not produced.

(f) (1) The Commissioner may issue a subpoena for testimony and the production of records.

(2) If a person fails to comply with a subpoena issued under this subsection, the Commissioner may file a complaint in the circuit court for the county where the person resides, is employed, or has a place of business, requesting an order directing compliance with the subpoena.

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